

Application No.: 10/637,888

Title: INDUSTRIAL TANK SUPPORT

Amendment Responsive to Office Action of February 17, 2005

REMARKS

Claims 2-22 and 24-27 remain for consideration in this application. Apparatus claim 1 has been deleted and is replaced by new independent claim 24, while original method claim 23 has been cancelled and is replaced by new independent method claim 25. In view of the claims as they now stand, together with the remarks hereunder, the rejections of the last Office Action are respectfully traversed.

The present invention is concerned with a novel two-position tank support and corresponding method, wherein a single tank support may be alternately used for above-grade support of differently designed tanks. To this end, the tank support includes a platform, preferably supported on elongated legs, and having opposed first and second structures respectively defining differently configured tank-supporting surfaces. By way of example, one of the structures may be essentially planar to support a flat-bottomed tank, whereas the opposite structure may be curvilinear or dish-shaped, so as to support a round-bottomed tank. In use, the tank support is alternately placed on a supporting surface with one of the structures and the corresponding tank-supporting surface facing upwardly. In this way, a single tank support may accommodate two different tank designs.

Attention is next directed to new independent claim 24. This claim recites a tank support including a multiplicity of legs having opposed ends operable for engaging a supporting surface together with a platform coupled with the legs between the ends thereof. The platform is equipped

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with first and second opposed structures presenting respective tank-supporting surfaces. Importantly, the first and second structures are asymmetrical in vertical cross section. This is illustrated, for example, in Fig. 5 of the drawings where an upper, dished structure is shown with an opposed, lower, essentially planar structure.

Claim 24 further recites that the tank support is alternately positionable so that the respective tank-supporting surfaces may be oriented upwardly for supporting differently designed tanks.

Independent method claim 25 also recites a platform of the type described above with asymmetrical opposed surface-defining structures, and the method steps of alternately orienting and mounting the platform above a supporting surface so as to thereby support first and second differently configured tanks.

The applied references, and particularly the principal references to Regina and Davis, do not teach or suggest the claimed apparatus and method. First of all, neither of these references is at all directed to an alternately reversible tank support designed for the above-described dual functionality. However, the examiner has asserted that one “could” invert the Regina and Davis structures and thereby meet the terms of the earlier claims. While applicant believes that this is a strained interpretation of the references not sanctioned by applicable precedent, he has elected to amend the claims in a way to unambiguously and structurally distinguish the art. That is, in both references, and for that matter, in all of the art of record, the “platform” has symmetrical upper and lower structures. Thus, and assuming *arguendo* the propriety of the examiner’s interpretation of the references, if one were to invert the prior art devices the opposed structures of the “platforms” would

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be identical. Thus, both the structure and functionality would be at variance with the presently claimed apparatus and method. Accordingly, these references are not apropos, even under the examiner's interpretation.

Applicant and his attorneys would like to thank the examiner for his time and courtesies during the recent personal interview. At that time, an apparatus claim similar to that now presented was discussed, along with the prior art and especially the Regina and Davis patents. During the course of that discussion, the undersigned pointed out that the references did not teach alternate positionability or the structure and function of the present invention. The examiner initially disputed this contention, again asserting that one "could" invert the prior art devices. At this point, the examiner suggested that the claims include a limitation that the opposed portions of the platform be recited as "asymmetrical in cross-section" as a way to structurally distinguish the art. Applicant's attorney agreed with this proposal, as reflected in the Interview Summary Record. At the interview, the term "panels" was used to refer to the upper and lower portions of the platform. Upon further consideration, it was determined that the term "structures" should be more properly used in the claims instead of "panels". Specifically, "panels" could perhaps be interpreted to mean flat or near-flat planar bodies, whereas the invention is not so limited. For example, a "structure" designed to support a convex-bottomed tank could easily take the form of a flat or approximately flat bottom wall with upstanding gussets configured to engage the concave tank bottom wall. Of course, in this instance, the vertical cross section of the gusseted structure would be greatly different than the cross

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section of, e.g. a substantially flat opposed structure designed to support a flat-bottomed tank.

Accordingly, the "structures" terminology has been adopted in the claims.

Previously pending method claim 23 was also rejected under Section 112 as being indefinite. Replacement method claim 25 has been drafted to avoid this problem. If during continued examination, the examiner notes any minor technical errors or the like are noted, it is asked that the examiner telephone the undersigned so that these issues may be resolved.

In view of the foregoing, a Notice of Allowance is believed proper, and such favorable action is solicited. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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